

---Minutes: Leesburg Planning Commission April 19, 2001

The Leesburg Planning Commission met on Thursday, April 19, 2001 at 7:00 p.m. in Council Chambers at 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman C. Vaughan, Commissioners: C. Cable, D. Kennedy, L. Schonberger, and W. Zawacki. Absent were Councilmember Umstattd and Commissioner Werner. Staff members present for the meeting were Mike Tompkins, Randy Hodgson, Nancy Costa and Jennifer Moore.

MINUTES:

March 15, 2001 – Mr. Kennedy made a motion to approve the minutes as submitted.

Motion: Kennedy
Second: Cable
Carried: 5-0

PETITIONERS

None

COUNCILMANIC REPORT

Councilmember Umstattd was in a Town budget meeting.

SUBDIVISION AND LAND DEVELOPMENT

None

ZONING ITEMS

COMPREHENSIVE PLANNING ITEMS

ZM 2000-05 – Potomac Crossing, PRC, Concept Plan and Proffer Amendment

Mr. Hodgson stated that the Commission had a copy of the staff report in the packet and he had nothing new to add, however he would entertain any questions the Commission may have.

Commissioner Cable stated that she did not believe that the applicant had an opportunity for rebuttal at the public hearing and would like to give him that opportunity now.

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Chairman Vaughan stated that he would hear from staff first and then give the applicant a chance for rebuttal.

Mr. Hodgson stated that there was a post public hearing memorandum in the packet, which outlined that there were 34 speakers at the public hearing. Approximately 29 where either opposed to the rezoning outright or to some part of it.

Mr. Hodgson stated that, as requested by the Commission, the applicant did have a community meeting to inform the residents of all aspects of the proposed project.

Commissioner Kennedy asked if staff had had a chance to research the Entrenchments to found out their historic significance. Mr. Hodgson stated that he has not. Commissioner Kennedy stated that he is somewhat of a "history buff" and he found out that the trenches in question are not trenches that were used in the "Battle of Balls Bluff", but were used after the Battle of Balls Bluff.

Commissioner Cable stated that she would like to see the DSL and T1 wiring to not only go to the multi-family units, but to the office buildings as well.

Commissioner Cable stated that she is not willing to make a decision on the Entrenchments at this time and would like to see more information on their significance at the next meeting.

Commissioner Schonberger asked if staff is in favor of placing the park elsewhere in the Town. Mr. Hodgson stated that staff has recommended that the park remain on the site. Commissioner Schonberger asked the reason for that recommendation. Mr. Hodgson stated that because it was part of the Town Plan, part of the Proffers and what Parks and Recreation recommended it was incorporated as part of the staff recommendation.

Mr. Kaj Dentler, Director of Parks and Recreation, came forward to speak. He stated that that is the position of the Department and the Parks and Recreation Advisory Commission (PRAC). Mr. Dentler stated that there is a critical need for recreation facilities in that subdivision. He stated that there are no existing recreational facilities other than what is at the Elementary School.

Commissioner Schonberger asked if the Parks and Recreation Department would consider locating the facilities somewhere else on the site. Mr. Dentler stated that his Department is not fond of the proposed layout. He stated that he has prepared a more suitable use for the land. The ball field would move to the back and the road would have a turn around area and the tennis courts and basketball courts would be moved. Mr. Dentler stated that the current plan calls for three tennis courts, three basketball courts, and pavilion and rest room area. He stated that staff's recommendation is to downsize some of the amenities to decrease the effect on the environment.

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Commissioner Zawacki stated that he would like to point out where the Balls Bluff Cemetery is relative to the 20-acre park. He stated that they are quite a distance from the park, he believes by more than half a mile.

Commissioner Zawacki discussed the fiscal impact of this development with staff.

Commissioner Cable asked what portion of the amenities being provided on the park site would be provided by the developer. Mr. Hodgson stated that the developer would provide them all.

Mr. Doug Fleming, representative for the applicant, came forward to speak. Mr. Fleming gave his view of the public hearing along with some observations for the Planning Commission.

Chairman Vaughan asked if the applicant had had an opportunity since the public hearing to meet with the citizens. Mr. Fleming stated that he has not. Chairman Vaughan asked if there is a meeting planned. Mr. Fleming stated that there is no meeting planned.

Chairman Vaughan stated that he would like for Mr. Hodgson to run down the proffer amendments and have Mr. Fleming let the Commission know which ones he has agreed to and which ones still need work. Mr. Hodgson and Mr. Fleming did this and the result was that the only outstanding issue was that of Hunton Place.

One item that was discussed was the noise level for the proposed multi-family units. The Commission asked if there would be special provisions made to the buildings near the Rt. 15 by-pass. Mr. Hodgson stated that there is a noise study proposed in the proffers and the main reason for that is to look at the effect that the Rt. 15 by-pass has on the apartments and the developer may end up having to put a different type of window or treatment for some of the units.

Councilmember Umstattd joined the discussion at this time. She explained that she was at a budget meeting and could not be here earlier.

Commissioner Cable asked if there is a "magic number" for the number of multi-family units that can be built before the developer loses money. Mr. Fleming stated that he recalls that the comment made was that the "magic number" was 290 units and that anything less or more would not be cost effective to the developer. Mr. Fleming stated that that statement does not logically make sense. He stated that the number of units is all site specific. He stated that it happened to be the number for this development that made this project work.

Mr. Fleming stated that originally the number was much higher, however citizen and staff stated that it was too high, so the developer scaled back on the number prior to bringing it to the Planning Commission so as not to waste anyone's time.

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Commissioner Kennedy stated that he is delighted to see this application for multi-family apartment units being presented. He is also happy to see that the developer wants to manage and own the apartments and not just “flip” them.

Chairman Vaughan requested that the applicant schedule a meeting with the citizens to discuss what has come out of this particular session. Mr. Fleming stated that he would commit to that meeting.

Chairman Vaughan stated that there are issues that need to be worked out, but he would request that staff have a motion prepared for this application so that the Commission can take action at its next meeting.

TP 2000-02 – TOWN PLAN AMENDMENT – POTOMAC CROSSING

Mr. Hodgson stated that he did not hear any citizen comment specific to the Town Plan Amendment and has nothing to add to what the Commission has already received.

The Commission decided to hear this application at the other meeting along with the rezoning.

SE 2001-13 – LEESBURG BAPTIST CHURCH

Ms. Costa stated that the applicant is proposing the placement of three modular units at the rear of the existing building. She then went over the application and the materials presented to the Planning Commission in their packets. Ms. Costa stated that there were no issues pending with this application.

Commissioner Schonberger asked if the trailers would be permanent. Ms. Costa stated that if they choose not to do the addition over the next several years and they actually move from the site, they would sell the modular units or take them to another site.

Mr. Keith Lambert, representative for the applicant, came forward to speak. Mr. Lambert stated that he has no issues with the application that staff has presented.

Commissioner Cable asked about extending the fence. Mr. Lambert stated that he is willing to go with staff's recommendation and extend the fence. He also stated that he is willing to add the additional screening that staff has requested.

Commissioner Kennedy made a motion to approve referral of this application to the Town Council as amended by staff to include screening and fencing.

Motion: Kennedy

Second: Cable

Carried: 5-0

ZM 2000-07 – CATOCTIN SQUARE PREVIEW

Mr. Hodgson stated that because several issues are still outstanding, staff has not made a recommendation, but would like to give the Commission some of the highlights of the application. Mr. Hodgson stated that the applicant is asking that the property be rezoned from B-2 to R-22 so that they can exceed the 35-foot height requirement in the B-2 zone. The applicant is requesting four story apartment complexes at a height of 45-feet.

Mr. Hodgson stated that the applicant is requesting 126 units, which is the maximum density for the site. He stated that the applicant would have 40% open space and part of that open space would consist of a community garden along Catoctin Circle. Mr. Hodgson also went through each of the comments by Town and County staff.

Mr. Hodgson stated that the applicant has had several meetings with concerned citizens regarding this project.

Commissioner Zawacki stated that he did not understand the comment from the Police Department regarding site distance being a problem. He stated that actually the site distance would be very good from the entrance/exit to the complex.

Commissioner Schonberger stated that he is concerned about the 45 foot height of the buildings and the density and the impact that that would have on the neighborhood to the north. He stated that he believes that with a Special Exception under the B-2 zone, which would keep the building height at 35 feet there is a lot of appeal to this proposal.

Councilmember Umstattd stated that she shares Commissioner Schonberger's concerns.

Commissioner Cable asked what standards the applicant would have to meet in relationship to the easement and access. Mr. Hodgson stated that they would have to meet Town standards.

Commissioner Kennedy asked if the Town has a regulation on the size of the pool. Mr. Hodgson stated that the only regulation that he is aware of is that the applicants need to have 250 square feet of active recreation per unit, which came out to about 44,000 square feet of active recreation. Commissioner Kennedy asked if the applicant would consider proffering to build a larger swimming pool.

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Mr. Randy Minchew, representative for the applicant came forward to speak. Mr. Minchew stated that he has been taking notes of the Commission's comments and would have the information available for the Commission at its next meeting.

Mr. Minchew stated that 50% of the apartments would be one bedroom, and the other 50% would be two bedroom units. He stated that in reference to Commissioner Kennedy's regarding the size of the pool, he would be able to enlarge the size of the pool.

Commissioner Cable stated that one concern she had was the fact that to get to the lot the residents would have to cross a residential street.

Chairman Vaughan stated that he also sees the four way stop at Catoctin and Edwards Ferry as a potential traffic problem.

Mr. Minchew stated that it is forecasted that once the County Court House building is complete the County will place a signal at that intersection at County expense.

OLD AND NEW BUSINESS:

Commissioner Cable stated that there was no worksession last week due to a lack of quorum and something needs to be scheduled so that the by-laws can be completed.

Chairman Vaughan stated that the Commission would meet the following Thursday to address the by-laws and other issues on the "laundry list".

Commissioner Zawacki stated that he had requested that e-mail retention be placed on the agenda to be discussed by the Commission. He stated that he had a discussion with the Town Attorney regarding this subject and to satisfy the Freedom of Information Act (FOIA) all e-mails to the Commission and by the Commission should be retained and made available for the public. He stated that all e-mails should be copied to the Commission Clerk to maintain.

The Commission agreed to send all copies of transmissions to the Commission Clerk in the future.

Commissioner Zawacki stated that he would recommend that any Commission members that have any e-mail that the Commission Clerk was not copied, should send the Clerk a copy.

William Donnelly, Town Attorney came forward to speak. Mr. Donnelly told the Commission that the only need for the Clerk to keep this information is if Town business is being discussed. He stated that things like setting up meetings and asking questions of staff are not items, which would need to be retained.

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Chairman Vaughan stated that the Clerk should be the clearinghouse for what should be kept and what should not be kept. Mr. Donnelly agreed.

Chairman Vaughan asked if having more than two Commissions together constitutes a meeting. Mr. Donnelly stated that if there are more than two Commissioners and they discuss public business that would be an illegal meeting unless the Commission has given notice.

Mr. Donnelly stated that if the Commission should appoint a sub-committee of two members then they would be subject to FOIA.

Chairman Vaughan asked if the Commission could hold a “debriefing” session after a meeting. Mr. Donnelly stated that they can, however the Commission would still be in open session and must allow the press and public to attend unless they have a valid reason to go into a closed session.

Chairman Vaughan asked if the Commission could discuss items not on the agenda in the debriefing. Mr. Donnelly stated that the Commission has a section on their agenda called Old and New Business and the Commission can discuss past and present agenda items and things they would like placed on the agenda in the future.

There being no further business the meeting adjourned at 10:10 p.m.